

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

PACMAR TECHNOLOGIES LLC
(f/k/a MARTIN DEFENSE GROUP,
LLC),

Plaintiff,

vs.

MARTIN KAO; TIFFANY
JENNIFER LAM a.k.a JENNY LAM
and/or TIFFANY KAO; LAWRENCE
KAHELE LUM KEE; CLIFFORD
CHEN; GARY AMBROSE; DUKE
HARTMAN; SOCIETY OF YOUNG
WOMEN SCIENTISTS AND
ENGINEERS LLC,

Defendants.

Case 1:22-cv-00283-LEK-WRP

DECLARATION REX Y. FUJICHAKU

DECLARATION OF REX Y. FUJICHAKU

I, REX Y. FUJICHAKU, hereby declare as follows:

1. I am an attorney admitted to practice law in the State of Hawaii. I am a partner at the law firm of Bronster Fujichaku Robbins, attorneys for Defendant Duke Hartman (“Hartman”) in this matter.

2. I make this Declaration in support of *Defendant Duke Hartman’s Motion for Summary Judgment*.

3. Attached as Exhibit “3” is a true and correct copy of a Honolulu Civil Beat article “Watchdog Asks FEC to Probe Hawaii Company’s \$150k Political

Donation”, published on February 3, 2020, which can be accessed at <https://www.civilbeat.org/beat/watchdog-asks-fec-to-probe-hawaii-companys-150k-political-donation/>. Pursuant to the Federal Rules of Evidence (“FRE”) 201, the Court may take judicial notice of the Honolulu Civil Beat article because it “is not subject to reasonable dispute” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” FRE Rule 201. Further, Rule 902(6), the Honolulu Civil Beat article is self-authenticating and “require[s] no extrinsic evidence of authenticity in order to be admitted.” FRE 902(6).

4. Attached as Exhibit “4” is a true and correct copy of a Honolulu Civil Beat article “Tangled Web of Campaign Cash Connects Hawaii to Maine”, published on February 7, 2020 which can be accessed at <https://www.civilbeat.org/2020/02/tangled-web-of-campaign-cash-connects-hawaii-to-maine/>. Pursuant to FRE 201, the Court may take judicial notice of the Honolulu Civil Beat article because it “is not subject to reasonable dispute” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” FRE Rule 201. Further, Rule 902(6), the Honolulu Civil Beat article is self-authenticating and “require[s] no extrinsic evidence of authenticity in order to be admitted.” FRE 902(6).

5. Attached as Exhibit “9” is a true and correct copy of the Society of Young Women Scientists & Engineers LLC (“SYWSE”) checks issued to universities. The checks were produced by Plaintiff and marked as JSH-005698-711. Pursuant to FRE 901(b)(4), the checks’ authenticity may be satisfied by “[t]he appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.” Further “[a]uthentication also can be accomplished through judicial admissions such as stipulations, pleadings, and production of items in response to subpoena or other discovery request.” § 7105 General Rule of Subdivision (b), 31 Fed. Prac. & Proc. Evid. § 7105 (2d ed.); *see also* [Maljack Prods., Inc. v. GoodTimes Home Video Corp.](#), 81 F.3d 881, 889 n. 12 (9th Cir.1996) (documents produced in discovery were deemed authentic when offered by the party-opponent).

6. Attached as Exhibit “10” is a true and correct copy of a chart of the checks that SYWSE issued to universities from March 23, 2020 to June 18, 2020. The chart was produced by Plaintiffs and marked as PAC-002407-08. “Authentication also can be accomplished through judicial admissions such as stipulations, pleadings, and production of items in response to subpoena or other discovery request.” § 7105 General Rule of Subdivision (b), 31 Fed. Prac. & Proc. Evid. § 7105 (2d ed.); *see also* [Maljack Prods., Inc. v. GoodTimes Home Video](#)

Corp., 81 F.3d 881, 889 n. 12 (9th Cir.1996) (documents produced in discovery were deemed authentic when offered by the party-opponent).

7. Attached as Exhibit “14” is a true and correct copy of a Honolulu Civil Beat article “Prominent Hawaii Defense Contractor Arrested for CARES Act Fraud”, published on September 30, 2020 which can be accessed at <https://www.civilbeat.org/2020/09/prominent-hawaii-defense-contractor-arrested-for-cares-act-fraud/>. Pursuant to FRE 201, the Court may take judicial notice of the Honolulu Civil Beat article because it “is not subject to reasonable dispute” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” FRE Rule 201. Further, Rule 902(6), the Honolulu Civil Beat article is self-authenticating and “require[s] no extrinsic evidence of authenticity in order to be admitted.” FRE 902(6).

8. Attached as Exhibit “15” is a true and correct copy of the *Criminal Complaint*, filed September 29, 2020 [ECF 1] in United States of America vs. Martin Kao in MAG. No. 20-01208-WRP, which was unsealed by the Court in MAG. No. 20-01208-WRP on September 30, 2020. We retrieved this document from PACER. Pursuant to FRE 201, the Court may take judicial notice of complaint because it “is not subject to reasonable dispute” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” FRE Rule 201.

9. Attached as Exhibit “16” is a true and correct copy of the *Indictment* in United States of America v. Martin Kao, Lawrence “Kahele” Lum Kee, and Clifford Chen, dated February 9, 2022 and received by the United States District Court on February 10, 2022. We retrieved this document through PACER. Pursuant to FRE 201, the Court may take judicial notice of the indictment because it “is not subject to reasonable dispute” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” FRE Rule 201.

I declare under penalty of law that the foregoing statements are true and correct.

DATED: Honolulu, Hawai‘i, November 15, 2024.

/s/ Rex Y. Fujichaku
REX Y. FUJICHAKU